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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/848,758

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is a response to Applicant's Amendment filed 03/02/2007. In virtue of this amendment, claims 1-44 remain pending in this application. Upon reconsideration, the Applicant's arguments on amended claims are persuasive (claims 1 and 21). However, Applicant's arguments with respect to claims 1 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-5, 11-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (see table below) of copending Application No. 10/849,473, 10/848,901, 10/848,470, and 10/848,899.

Present invention claims    10/849,473    10/848,901    10/848,470    10/848,899

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Claim 1-5	1-5	1-5	1-5	1-5
6-10	6-10	6-10	6-10	6-10
11-21	11-21	11-21	11-21	11-21

**Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in present application are similar to claims in co-pending application as shown.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 7,013,341.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 7,013,341.

5. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 16 of U.S. Patent No. 6,832,237. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,832,237.

6. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 12 and 16 of U.S. Patent

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No. 6,915,485. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,915,485.

7. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15 and 21 of U.S. Patent No. 7,191,767. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 7,191,767.

8. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,721,722. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,721,722.

### **Drawings**

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "legacy database management system", "a facility" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5 and 21 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Rangnekar (U.S. Pub. No. 2005/0192851).

**With respect to claims 1, and 21, Rangnekar discloses an apparatus for processing data upon request comprising:**

**a legacy data base management system having a first command language (e.g., “processed and converted to a query that is understandable by CRS 30” (0142) and Examiner asserts that a user query (standardized command language) is converts in order to understand as first command language) and having a plurality of datasets (i.e., “The response from CRS 30 is parsed, filtered and in the case of an airline, a fare is then calculated. A host program on bank server 36 parses the output in such a way that it becomes clear for the customer to read the options. The options displayed may be arranged by a variety of parameters. For airline bookings, these can be in the form of, departure time, price, availability, travel time, minimum connections; and the like” (142));**

**a user session (End User (12)) (fig. 2) which generates a request in a standardized command language (i.e., “Request” (see fig. 5B) or “the ATM operating software includes Explorer objects to be able to parse the html pages”(0111)) for comparing (i.e. “Availability/Booking” (fig. 5B)) some of said plurality of datasets within said legacy data base (i.e., “database driven interface is utilized to a live reservation system for airline bookings to ensure validity and a strong back-end to ensure timeliness and accuracy”(0123));**

**a facility located within said database management system which parses (i.e., “the parsing of the HTML tags, the JavaScript functionality, events, and the like”(0118)) said request (i.e., “receives the customer inputs from the buffer and displays it in a formatted way in appropriate fields at a display 14 of ATM 12”(0119) or “a customer submits a query to fly between two or more destinations”(0126)) in said standardized command language (i.e., “html” (0118-0119)) into a corresponding request in said first command language (i.e., “As shown in FIGS. 18 and 19, for an airline booking, all of the customer's information for that booking is entered at an ATM 12 and is routed to the CRS 30 in a format that a CRS server can process. This is the information that is necessary to request a successful booking and is relayed to**

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CRS 30 in a sequential manner. Individual bookings are made in CRS 30 for every passenger specified. The booking code for the related fare is retrieved from the database 28 of host system 20”(0125));

and a result produced by said legacy data base management system indicative of honoring said corresponding request (i.e., “Based on what the customer selects, host system 20 picks up the relevant customer data and preferences from database 28 and feeds it to reservation server 24 in a predetermined sequence resulting in a PNR being generated” (0126)).

**With respect to claims 2-3**, Rangnekar discloses a JavaScript object (i.e., “the parsing of the HTML tags, the JavaScript functionality, events, and the like”(0118)).

**With respect to claim 4**, Rangnekar discloses user terminal (12) is coupled to said legacy data base management system via a publically accessible digital data communication network (0111).

**With respect to claim 5**, Rangnekar discloses a database having a plurality of columns of data (i.e., “table 7” (0204)) wherein each of said plurality of datasets corresponds to a different one of said plurality of column of data (i.e., “table 7” (0204)).

12. Claims 6-13 and 16-20 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Winter (U.S. Pub. No. 2004/0226027).

**With respect to claims 6, 11, and 16**, Winter discloses an apparatus comprising: a legacy data base management system (i.e. element 206, 208) having a first command language (e.g., “MFG/PRO, SAP, etc”) and having a plurality of datasets (see paragraph 0033-0035, 0051-0053); a user session (300) which generates a request in a standardized command language (see paragraph 0031, 0050-0051) for comparing (i.e. “matching the data submitted with the corresponding legacy application field”) some of said plurality of datasets within said legacy data base (see paragraph



0047); a facility for conversion (302) of said request in said standardized command language into a corresponding request in said first command language (see paragraph 0033-0035, 0051-0053); and a result produced by said legacy data base management system indicative of honoring (i.e. "get display (screen)") said corresponding request (see paragraph 0047, 0054 and fig. 3).

**With respect to claims 7, 9, 12, 17 and 19-20,** Winter discloses a JavaScript object (i.e. "a Java interface that renders a screen in HTML")(see paragraph 0030, 0041, 0059)

**With respect to claims 8, 10, 13 and 18,** Winter discloses user terminal (300) is coupled to said legacy data base management system via a publically accessible digital data communication network (see paragraph 0051 and fig 3).

13. Claims 6-20 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Shappir et al., (U.S. Pub. No. 2003/0051070).

**With respect to claims 6-20,** Shappier et al. discloses an apparatus comprising: a user terminal which generates a user request for bulk update of a specified dataset in a standardized object-based command language for comparing (i.e. "the API should provide a development model that is familiar to users and exposes logical units that match the processes (tasks) that the users wish to perform", (API)) (see abstract and 0013) some of said plurality of datasets within said legacy database (see fig. 1-2, abstract, paragraph 0068), Shappier et al. teaches user terminal generates a user request corresponds to fig 1 that generates high-level task orientated application

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programs, particularly it provides programming interface or API to access as detailed in fig. 1, abstract ; a legacy data base management system responsively coupled to said user terminal which performs said bulk update of said specified dataset by execution (see paragraph 0017-0018 and 0020), Shappir et al. discloses legacy application along with legacy communication protocol performing operation on the legacy system using the database access as detailed in column 0020; of a non-standardized command language (see paragraph 0027-0028); a conversion facility for conversion of said standardized object-based command language to said non-standardized command language (see paragraph 0066), Shappier et al. discloses legacy application which is a low level application program interface connected though task server that containing a high-level application programs enables to access database system, therefore, Shappier et al. discloses conversion between low level application program and high-level application; and a result produced by said legacy database management system indicative of honoring said corresponding request (i.e. "manage and display the data stored within it" (see paragraph 0060, 0068).

### **Claim Rejections - 35 USC § 103**

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter (U.S. Pub. No. 2004/0226027) in view of Applicant Admitted Prior Art (AAPA).

With respect to claims 14-15, Winter discloses all limitations of claimed invention recited in claim 13 except Mapper data base management system. However, AAPA discloses Mapper data base management system (see page 2-3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Winter's system by using the Mapper data base management system structure in order to have data base management system in an efficient multi-user environment for the stated purpose has been well known in the art as evidenced by teaching of AAPA (see first paragraph, page 2).

### **Response to Arguments**

16. Applicant's arguments filed on 03/02/2007 about the claims 1-5 and 21 have been considered but are moot in view of the new ground(s) of rejection (see the rejection above).

Applicant's arguments filed on 03/02/2007 about the claims 6-20 have been considered have been fully considered but they are not persuasive. The Applicant made the following arguments:

- a. "The Examiner has objected to the drawing under 37 C.F.R. 1.83 (a)...and Fig. 2, element 38" page 11 first and second paragraph.

### **Examiner's response**

The Examiner does not agree with the Applicant. The Applicant shows that in Fig. 1, element 14, discussed at page 14, lines 17-19 but the element 14 is the Web Server and Web Server functions as the Internet access provider for Internet terminal. The element 14 is not the "legacy data base management system". The Applicant

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shows in Fig. 2 but the JavaScript parser 38 but the Fig. 2 does not show how connection between "a legacy data base management", "user" and "a facility".

- b. "The second element, as amended, is "a user terminal which generates a request in a standardized command language for comprising some ... In fact the cited paragraphs say nothing of any command language" page 14 and page 15.

### **Examiner's response**

The Examiner has skipped the first element on page 13 because the Applicant had amended with the claims 1 and 21. The amendment is overcome the prior art and the rejection the claim 1 and 21 was withdrawn and new ground rejection has been issued for the claim 1 and 21. The Applicant did not address the arguments or question about the rejection of Winter for claims 6, 11 and 16 mailed on 11/30/2006. However, some limitations of claim 1 are the same with other claims so Examiner has some remarks response to the Applicant's arguments in claim 1 in some limitation. The Applicant's argument is not persuasive because discloses user terminal (i.e., "User interface client 200" (0040)). What is the different between the claimed invention "user terminal" and user interface client 200? Further, Winter disclose standardized command language (i.e., "HTTP" (0051)). Applicant is invited to bring limitations into the claims from the specification to more clearly point out what the Applicant feels is the invention to overcome the curtly cited prior art (For example, what is the standardized command language?).

- c. "The third claimed element ...a user terminal" page 15.

**Examiner's response**

This argument of this limitation of claim 1 had been withdrawn and new ground of rejection has been issued (see rejection above).

- d. "The fourth claimed element is "result produced by said legacy database management system ...is respectfully traversed" page 15 and 16.

**Examiner's response**

The Applicant's argument is not persuasive because Winter discloses result as produced by said legacy data base management system (i.e., "At step 616, the screen data is sent to the client. More specifically, based on the original request and client type from step 600, the resultant new screen is sent to the client "(0076) and Examiner asserts that client makes the request by using the query and legacy data base management system honoring said the request and sent the result to the client). Furthermore, in paragraph 0047, Winter also discloses the result from by said legacy data base management system (i.e., "understand requests from processing 206" (0047) (Examiner asserts that this is the request from client or user terminal) ("matching the data submitted with corresponding legacy application filed" (0047). Applicant is invited to bring limitations into the claims from the specification to more clearly point out what the Applicant feels is the invention to overcome the curtly cited prior art (For example, what is the claimed legacy data base management system and what is the different the Applicant's result and the Winter's result).

- e. "Claims 7, 9 12, 17 and 19-20 depend from claims 6, 8, 11, 16 and 18, respectively...is respectfully traversed" third paragraph page 16.

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**Examiner's response**

The Applicant's argument is not persuasive because Applicant's argument is not supported by claimed language. Claims do not recite service request and corresponding claimed result.

- f. "Claims 4,8, 10, 13 and 18...is respectfully traversed" last paragraph, page 16.

**Examiner's response**

The Applicant's argument is not persuasive because Winter clearly discloses the network or coupling network (0004).

- g. "Amended claim 1, for example, has four basic elements...to provide the necessary interface" second paragraph page 18.

**Examiner's response**

The Applicant's argument is not persuasive (the limitation parses had been rejected in new ground of rejection (see rejection above)) because Shappir discloses conversion facility comprises a stored procedure is part of the database management system as detailed in 0026 and 0070.

- h. "As a result of Shappir not having at lest the third claimed element of amended claim, the rejection of amended claim 1, and all claims depending therefrom, is respect traversed" page 18.

**Examiner's response**

The Applicant's argument is not persuasive because Shappier discloses accessing legacy system, more specifically using high level task oriented application

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programming interface (abstract), also Shappir suggests "structure query language" particularly, supporting various commands for example manipulating the collection of database records in the form of adding, updating or deleting records is part of legacy database management (0021). Furthermore, Shappir teaches legacy application which is a low-level application program interface connected through task server that containing a high-level application programs enables to access database system, therefore, Shappir suggests conversion between low level application program and high-level application program, system 300 and 400 automatically exchange data in real-time is part of legacy systems 300 and 400 (0070).

- i. "Claims 14-15 have been rejected...the three showing required by MPEP 2143" pages 19-20.

#### **Examiner's response**

The Applicant's argument is not persuasive because the rejection 103 is proper. Winter discloses data base management system (the process engine 206, legacy application user interface 208). The claims are interpreted in broadest way. Examiner would like to know what is the different the process engine 206, legacy application user interface 208 in Winter and the "legacy database management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language". Winter discloses all limitation of claim as the process engine 206, legacy application user interface 208 responses to control and manage the data from the user terminal as "external system (300) or UI client 200 and honoring the request (i.e., "processing engine 206 exposed a set of APIs into a legacy

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application, where the business logic of the given application is intermingled with the user interface" (0046). Applicant has the opportunity to amend the claims during prosecution to define more clearly the difference between the claimed invention and Winter's reference and point out what the applicant feels is the invention to overcome the currently cited prior art. Therefore, the motivation for improves the efficiency of Winter's database management system by making it the claimed MAPPER system.

### **Conclusion**

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

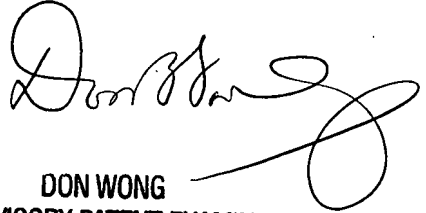


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2163  
May 27, 2007.



DON WONG  
SUPERVISORY PATENT EXAMINER  
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